

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------|---|-----------|
| iFinex Inc., |) | |
| |) | |
| Applicant, |) | |
| v. |) | |
| |) | Case No.: |
| Enterprise Bank & Trust, |) | |
| |) | |
| Respondent. |) | |

**EX PARTE APPLICATION TO CONDUCT DISCOVERY PURSUANT TO 28 U.S.C. §
1782 MEMORANDUM OF POINTS AND AUTHORITIES**

Applicant iFinex Inc. (“iFinex” or “Applicant”), by and through its undersigned attorneys, hereby moves the Court for expedited consideration of this Application, pursuant to 28 U.S.C. § 1782, directing Enterprise Bank & Trust (“Enterprise”), located in Clayton, Missouri, to produce documents and information for use in proceedings in foreign tribunals in Poland, Portugal, and the United Kingdom (“Foreign Actions”) in accordance with the subpoena attached herein. Applicant respectfully requests that this Court order that the documents shall be produced at Armstrong Teasdale, LLP, 7700 Forsyth Blvd., Suite 1800, St. Louis, Missouri 63105, unless otherwise agreed by the parties, by July 30, 2020.

In further support of this Application, Applicant submits simultaneously herewith its Memorandum of Law and its Declaration of Giancarlo Devasini, attached to the Memorandum of Law as Exhibit 1.

28 U.S.C. §1782(a) provides:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal. The order may be made pursuant to ... the application of any interested person...

Section 1782 has “broad applicability” to foreign litigation. *In re Application of Gianoli Aldunate*, 3 F.3d 54, 57 (2d Cir. 1993). This Application fulfills all the requirements set forth in section 1782. First, Enterprise is present in the Eastern District of Missouri and is doing business in St. Louis and Clayton, Missouri. Second, the discovery Respondent seeks is narrowly tailored to obtain information relevant to the central issues in the Foreign Actions. Third, iFinex is an “interested person” because it is a party to the Foreign Actions. Accordingly, this Application complies with all the necessary elements of 28 U.S.C. §1782(a).

CONCLUSION

Based on the foregoing, Applicant respectfully requests that this Court grant the instant Application in its entirety and authorize Applicant to serve the subpoena attached hereto as Exhibit 1.

Dated: June 25, 2020

/s/ Christopher R. LaRose

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 25, 2020, a copy of the foregoing was filed electronically with the Clerk of the Court to be served via operation of the Court's electronic filing system to all counsel of record.

/s/ Christopher R. LaRose
Christopher R. LaRose (#59612MO)